IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5116 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

ISHVERLAL R DESAI

Versus

STATE OF GUJARAT

Appearance:

MR ISHVERLAL J NAIK for Petitioner

NOTICE SERVED BY DS for Respondent No. 1

MR MB GANDHI for Respondent No. 2, 3

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 14/08/2000

ORAL JUDGEMENT

Leave to delete respondent No. 1.

Rule. Mr MB Gandhi waives service of Rule for respondent Nos. 2 and 3.

2. The petitioner had agricultural lands in Vapi. The respondent-GIDC acquired the lands for setting up an

industrial estate in that area. The GIDC also evolved a scheme for granting commercial plots to the land losers at concessional rate of 25% less than the prevailing market rate. The petitioner was accordingly offered plot Nos. 81/13 admeasuring about 1000 sq.mtrs. Since the petitioner had a grievance in respect of that particular plot, the petitioner made a representation to allot another plot. However, no change was granted. Therefore, the present petition has been filed.

3. The learned counsel for the GIDC states that the GIDC is prepared to offer plot Nos. C5-49, 50 and 51 each admeasuring 320 sq.mtrs. approximately in the Vapi area to the petitioner in lieu of the plot which was earlier allotted to the petitioner. The dispute, however, remains about the price to be paid by the petitioner as, accordingly to the GIDC, the petitioner is required to pay the market price at Rs.1,000/- per sq.mtr. whereas, according to the petitioner, he is liable to pay only Rs.470/- per sq.mtr. which was the rate at which, he was allotted the original plot.

4. At the hearing today, the parties have arrived at a consensus in as much as, according to the GIDC, the petitioner will have to pay price of the plot at the current rate of Rs.1,000/- per sq.mtr. with the concession of 25% which was earlier given to the land losers including the present petition. In other words, although 25% concession will be given to the present petitioner that will be applied to the current rate of Rs.1,000/- per sq.mtr. and not to the old rate of Rs.470/- per sq.mtr.

5. The learned counsel for the petitioner states that the petitioner is prepared to pay price of the land at 75% of the current rate (Rs.1000/-) that is Rs.750/- per sq.mtr. subject to the adjustment of the amount of Rs.4,32,000/- already paid by the petitioner to the GIDC earlier.

6. In view of the aforesaid consensus, the respondents shall allot plot Nos. C5-49, 50 and 51 in the GIDC, Vapi area to the petitioner at the rate as agreed hereinabove. The GIDC shall issue the orders to carry out the above agreement within one month from today.

The petition stands disposed of in terms of the aforesaid directions and observations. Rule is made absolute to the aforesaid extent.

August 14, 2000 (M.S. Shah, J.)

sundar/-